FILED: DECEMBER 23, 2008
08CV7330
JUDGE LEINENWEBER
MAGISTRATE JUDGE VALDEZ
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MEMORY CONTROL ENTERPRISE, LLC	)	
	)	
Plaintiff,	)	Civil Action No.
	)	
v.	)	
	)	JURY TRIAL DEMANDED
SYMANTEC CORPORATION	)	
	)	
Defendant.	)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Memory Control Enterprise, LLC ("MCE") complains of Defendant Symantec Corporation ("Symantec"), as follows:

PARTIES, JURISDICTION, AND VENUE

1. This is a claim for patent infringement arising under the patent laws of the United States, including 35 U.S.C. §§ 271, 281. This Court has exclusive jurisdiction over the subject matter of this action under 28 U.S.C. § 1338(a).

2. MCE is an Illinois corporation with its sole place of business in Chicago, Illinois.

3. The patent-in-suit is U.S. Patent No. 6,952,719 entitled "Spam Detector Defeating System," which issued on October 4, 2005 (the "'719 Patent," Exhibit A).

4. MCE owns and has all right, title and interest in the '719 Patent, including all claims for damages by reason of past, present or future infringement, with the right to sue for and collect damages for the same and, therefore, has standing to sue for infringement of the '719 Patent.

5. Symantec is a Delaware Corporation with its North American

headquarters located at 20330 Stevens Creek Boulevard, Cupertino, California 95014-2132. Symantec designs, develops, offers for sale and sells nationwide software products that are covered by claims 1, 4, 5, 6, 7, 8, 9, 10 and 12 of the ‘719 Patent, including substantial sales in this judicial district.

6. Venue is proper in this district under 28 U.S.C. § 1400(b) because Symantec is subject to personal jurisdiction, does business in and has committed acts of infringement in this judicial district.

PATENT INFRINGEMENT

7. The ‘719 Patent relates to an apparatus and method for detecting spam in e-mails even if the spam has random characters attempting to disguise the spam.

8. Symantec has infringed claims 1, 4, 5, 6, 7, 8, 9, 10 and 12 of the ‘719 Patent by making, using, importing, selling or offering to sell, and by inducing, aiding and abetting, encouraging or contributing to others’ use of, its Brightmail Gateway software and its Internet Appliance hardware which comes with and operates its Brightmail Gateway software.

9. These acts of infringement have occurred in this judicial district, such as through Symantec’s website that reaches and instructs customers in this district to buy and use Symantec products in the manner specified in the asserted claims.

10. Symantec’s infringement has injured MCE and MCE is entitled to recover damages adequate to compensate it for the infringement that has occurred, but in no event less than a reasonable royalty.

11. The infringement by Symantec has injured and will continue to injure MCE unless and until such infringement is enjoined by the Court.

WHEREFORE, plaintiff MCE respectfully requests judgment against Symantec and its subsidiaries and affiliates and all persons in active concert or participation with them, as follows:

A. An entry of final judgment in favor of MCE and against Symantec;

B. An award of damages adequate to compensate MCE for the infringement which has occurred, together with prejudgment interest from the date infringement began, but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284; and

C. Such other further relief as this Court or a jury may deem proper.

JURY DEMAND

MCE requests a trial by jury.

December 23, 2008

Respectfully submitted,

/s/ Nicholas M. Dudziak

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